

AMENDED IN ASSEMBLY MAY 6, 2009
AMENDED IN ASSEMBLY APRIL 20, 2009
AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 296

Introduced by Assembly Member Solorio

February 17, 2009

An act to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to supplemental education services.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Solorio. Supplemental educational services.

(1) Existing federal law defines “supplemental educational services” as tutoring and other supplemental academic enrichment services that are provided; in addition to instruction provided during the schoolday and are high quality, research-based, and specifically designed to increase academic achievement, as specified.

Under federal law, local educational agencies, state educational agencies, and providers of supplemental educational services are required to comply with certain requirements relating to the administration of these supplemental educational services.

This bill would require local educational agencies *and supplemental educational service providers* to comply with specified requirements relating to these supplemental educational services, including ~~expanding the means of requirements relating to~~ providing information to parents and guardians and ~~accepting enrollment forms~~ *enrollment of pupils in supplemental educational services. The bill would require local*

educational agencies to permit supplemental educational service providers access to school facilities if the local educational agency provides access to outside entities, except as specified. Because the bill would require local educational agencies to provide a higher level of service, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4.3 (commencing with Section 52060) is
2 added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the
3 Education Code, to read:

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5 Article 4.3. Supplemental Educational Services

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7 52060. This article applies to supplemental educational services
8 offered pursuant to Section 6316(e) of the federal No Child Left
9 Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

10 52061. (a) Local educational agencies shall provide at least
11 two methods by which parents or guardians of eligible pupils may
12 submit completed enrollment forms. These methods may include,
13 but are not necessarily limited to, a drop-off location, facsimile,
14 postal mail, and through an Internet Web site.

15 (b) Local educational agencies shall provide parents or guardians
16 of eligible pupils with information about the availability of
17 supplemental educational services through at least two channels.
18 These may include, but are not necessarily limited to, providing
19 the pupil with information, back-to-school presentations, school
20 fairs, postal mail, and telephone.

21 (c) If a local educational agency provides outside entities access
22 to school facilities before school, after school, or both, the local
23 educational agency shall permit supplemental educational services

1 providers the same access. Those providers shall comply with the
2 same legal requirements and fee obligations with which all other
3 outside entities comply.

4 *However, if allowing equal access to school facilities is*
5 *impractical due to limited availability of space, school district*
6 *governing boards may limit provider access to school facilities.*
7 *If opting to limit access to facilities, a school district governing*
8 *board shall develop fair and transparent policies and procedures*
9 *for determining which providers can serve pupils at each*
10 *schoolsite, and shall solicit input of providers and parents.*

11 *(d) Supplemental educational service providers shall not*
12 *preprint their company name on pupil enrollment forms.*

13 *(e) Supplemental educational service providers shall not*
14 *knowingly enroll pupils who are not eligible for supplemental*
15 *educational services.*

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.